

COURT HOLDS 8-HOUR LAW UNCONSTITUTIONAL

FINAL
EDITION

The

Evening

World.

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EDITION

"Circulation Books Open to All."

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PRICE ONE CENT.

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NEW YORK, WEDNESDAY, NOVEMBER 22, 1916.

18 PAGES

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LINER BRITANNIC TORPEDOED WITH 1,000 WOUNDED ABOARD

EIGHT-HOUR LAW INVALID; HASTY RULING OF COURT TO RUSH CASE TO APPEAL

Judge Hook in Kansas City Gives Decision 24 Hours After Case Is Begun.

TO THE HIGHEST COURT.

All Other Roads Asked to Join Suit So as to Get Final Ruling by Jan. 1.

KANSAS CITY, Mo., Nov. 22.—Judge Wallace C. Hook in the Federal Court here to-day held that the Adamson Eight-Hour Law is unconstitutional. Judge Hook refused to pass the motion by Federal attorneys asking that the application of the receivers of the Missouri, Oklahoma and Gulf Railroad for an injunction against the Adamson law be dissolved.

Attorneys for the Government will appeal the case to the Supreme Court at once, which will make this the test case to determine in the highest court in the land, the constitutionality of the law.

Judge Hook directed the receivers of the Missouri, Oklahoma and Gulf Railroads, who brought the action to enforce the law from going into effect, to assist the Government in expediting the case for final decision, and instructed them through their attorneys to invite the representatives of every railroad in this country to participate in the hearings before the United States Supreme Court.

This was requested in the Government's motion to dismiss the injunction petition of the railroad, the Government desiring to avoid "prolonged, unnecessary and scattered litigation," that would be made necessary by the hearing of countless similar suits filed by every rail system in every Federal district in the United States, through which their lines run.

It is hoped that the final decision as to whether the law will go into effect Jan. 1 next, will be handed down before that time. A transcript of the present case will be filed in the United States Supreme Court before it reconvenes on Dec. 4.

Judge Hook, who announced his decision at 11:18 A. M., had this to say: "My decision was merely to hurry the case to the Supreme Court as rapidly as possible. I have given the Government until 3 o'clock to perfect an appeal to the higher court."

Francis M. Wilson, United States District Attorney, and Frank Hagerman, special counsel for the Government, intimated that the appeal would be ready "by or before 3 o'clock."

Judge Hook in his decision said: "The case was presented but yesterday and a decision is desired to-day. It is far from being an agreeable duty for a judge to record a judicial conclusion without the care and deliberation essential to a conviction that he would stand to in every circumstance. Upon the merits of a case the Government neither asks nor receives from a court greater consideration than is required by the settled rules and presumptions of law, but a request by the Department of Justice to aid the progress of a case consistently with the rights of every one cannot be denied, certainly not for personal consideration. "Upon a consideration of the Adamson law, and of what is said of its

WILSON LEAD 3,807 BY OFFICIAL COUNT IN CALIFORNIA

This Figure Is From Tabulations of Returns From All Counties in State.

SAN FRANCISCO, Cal., Nov. 22.—President Wilson's plurality in California is 3,807, according to a tabulation of complete official returns from every county in California, finished by the Republican State Central Committee to-day.

The Republican Committee has figured on every elector in each of the fifty-eight counties, and these show that Henry, the high Democratic ticket, polled 466,197, and Carlson, the high Republican elector 462,390.

Sylvester J. McAtee, Secretary of the State Republican Central Committee at noon telegraphed National Chairman Wilson as follows: "Complete official returns from every county in California gives the following results:

"Henry, highest elector of the Democratic ticket, 466,197; Mrs. Tyler, lowest elector on the Democratic ticket, 462,632; Carlson's highest elector on the Republican ticket, 462,390—S. J. McATEE."

McAtee was asked by a United Press representative if his telegram to Wilson is a formal concession of California to Wilson, and replied: "Yes, that's what it means."

FIFTEENTH DAY AFTER THE ELECTION; HUGHES STILL SILENT

This is the fifteenth day after the election for President of the United States and Charles E. Hughes has not yet sent a word of congratulation to Woodrow Wilson. Nor has he admitted his own defeat.

French Ship Torpedoed and Sunk. LONDON, Nov. 22.—A French steamship of 822 tons gross sailing from Rouen, was sunk by a German submarine on Nov. 20, according to an announcement made to-day at Lloyd's shipping agency.

Sickness of Militiamen and Regulars.

WASHINGTON, Nov. 22.—The percentage of militia illness last week was 2.46 with four deaths, the percentage of illness among the regulars being 2.01, with nine deaths, the War Department press bureau announced to-day.

practical effect and what was intended to be accomplished by it, the judgment is that, as the Court construes the terms of the law, it cannot be sustained. "Since both parties have said they would not plead further, whatever the decision might be, a decree will be entered for the plaintiffs, routing that the defendant prays and is allowed an appeal in open court."

Yale-Harvard Game—The daily morning edition of New York Times, page 16, 16-17.

COAL SHORTAGE DUE TO OPERATORS, SAYS MINERS' HEAD

Four Hours' Work a Day Would Produce All Coal Necessary to U. S.

ROADS ALSO AT FAULT.

Too Much Retrenching and Not Enough Preparedness for Increased Demand.

President Loeve of the Delaware and Hudson Railroad made the statement in The Evening World yesterday that the coal shortage could be relieved if the miners would agree, for the present, to work an additional two hours each day. This statement was seized by The Evening World to President White of the Mine Workers' Association. Here is his reply:

By John P. White, President of the United Mine Workers (By Telegram to The Evening World.)

INDIANAPOLIS, Ind., Nov. 22.—Statistics prove that if the 763,000 coal miners of the United States were employed four hours per day, every work day in the year, the production of coal in this country would meet every American and export need.

During 1913 and 1914 railway companies, due to what they termed unprecedented depression of business, respectively in the coal industry, retrenched to the full limit. Coal equipment cars were sidetracked and left to decay to an unusable condition.

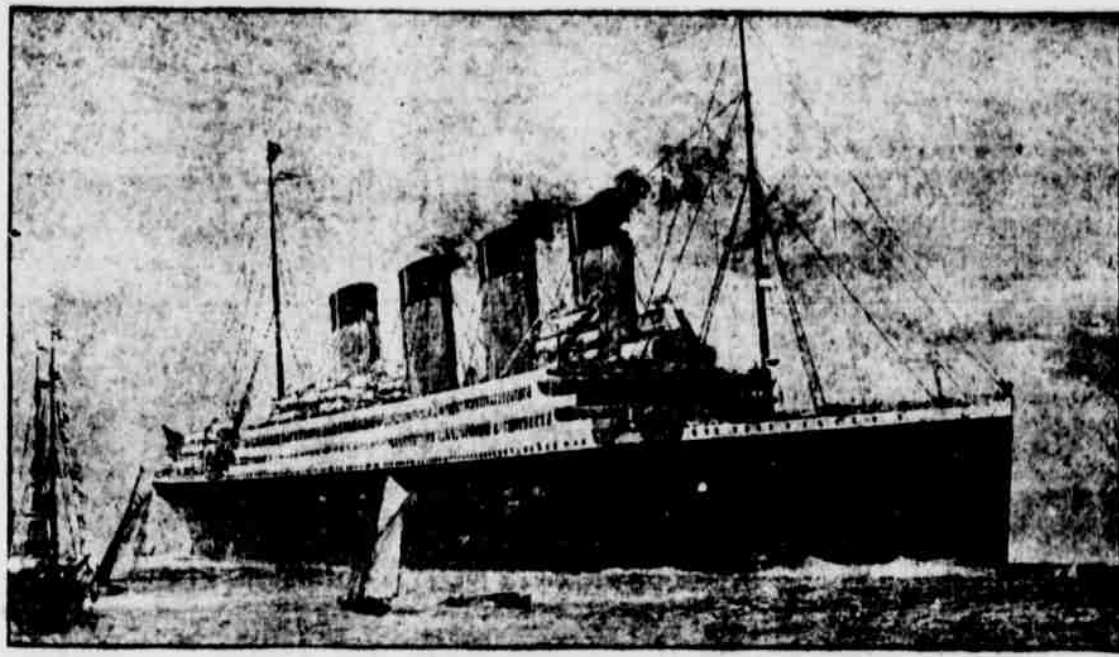
In January, 1915, the coal industry was in a deplorable state; new mines were almost unknown projects; thousands of coal miners were out of employment; in fact, the "exonerations" of members idle in the United Mine Workers' organization reached the highest number in years.

When business boomed as a result of the war, with steel the basis of prosperity and selling at the highest figure in our history, and the railroad efficiency experts advising against the building of additional wooden cars, the railroad heads decided to postpone, until steel dropped, the purchase of the necessary equipment to meet normal needs, to say nothing about an exorbitant demand. The authorities permit their stocks to become exhausted last winter, due to the increased wholesale prices, although the miners remained at work pending the negotiation of the anthracite contract, which, in effect, meant an increase in production never before experienced in a year when an anthracite contract expired.

At present there are mines in the anthracite region that are not working full time. In the bituminous regions the same condition exists. Hence, the responsibility to the public for any coal shortage must rest upon the operators of the coal mines and the carrier companies interlocking with the largest coal producing companies of the nation.

Holidays observed by the miners do not in any way interfere with the coal production by reason of the fact that the companies always utilize such days to make necessary repairs; otherwise, the mines would have to close down the equivalent number of days for this purpose. If the coal operators would meet their full contract obligations without being forced to go so by local strikes, many additional operating days would result. The few holidays enjoyed by the

Steamship Britannic, Biggest Craft Afloat, Which Was Torpedoed and Sunk in Aegean Sea



KAISER AND KING RUSHING TO BIER OF FRANCIS JOSEPH

Death of Francis Joseph Came as a Complete Surprise to Court and Relatives.

WASHINGTON, Nov. 22.—Official announcement of the death of Emperor Francis Joseph was received to-day from the Vienna Foreign Office by Baron Zwiernitz, Charge d'Affaires of the Austro-Hungarian Embassy, who immediately communicated the information to Secretary Lansing. No details were given.

LONDON, Nov. 22.—Eyes of Europe were turned to-day on the Archduke Carl Francis Joseph, now acting Emperor of Austria-Hungary.

The new ruler of the nation whose demands on Serbia caused the great war is twenty-nine years of age. He has been at the front in command of Austrian troops operating in the Carpathians against the Roumanians.

The Emperor was apparently in fairly good health Monday night—twenty-four hours before his death. He arose at his usual hour on Tuesday morning and went through his customary morning of boxing and riding in the Government stables to the imperial palace at Schenbrunn. Later he received the Archduchess Marie Valerie and Baron Barlan from the Foreign Office. Late in the afternoon he became suddenly worse. His temperature rose alarmingly. It was obvious then that the end was near.

The Archduchess Marie Valerie assisted the aged ruler to his bedroom early Tuesday night. He was unable to sleep and kept complaining of pains in his throat. At 3 o'clock he appeared more quiet and seemed to be resting. But twenty minutes later he suddenly gasped for air and seemed to strive for utterance and died within a few moments.

ARCHDUKE WAS IMMEDIATELY CALLED TO PALACE.

The Archduke Charles Francis Joseph, who has been in Vienna for some time, was immediately notified. The telephone connecting Schenbrunn Palace with the German headquarters in the field was used to notify Emperor William of Germany, and he is said to be hurrying to Vienna. He is due to arrive in Vienna tomorrow accompanied by the King of Bulgaria.

The conference between the Aus-

SEA RISK RATES DOUBLE AND STOCK PRICES FALL

Renewed U-Boat Activity and Report Submarines Will Visit This Coast Cause of Advance.

Announcement that transatlantic insurance rates had been doubled was unexpectedly made this afternoon, and as the news spread there was a drop all along the line in the stock market.

Insurance brokers stated that renewed German U-boat activity along and advice from a source believed to have inside information that German submarines may appear along the steamship lane on this side of the Atlantic at any time are responsible for the advance in rates.

Cable advices from London state that insurance rates had been fixed there at 4 per cent. on ships bound from American ports to British ports and Havre and 2 1/2 per cent. on ships bound to British ports and Havre has been 1 1/2 per cent. and to Bordeaux 1 3/4 per cent.

CURB WON'T PAY BETS YET.

Will Continue to Hold Off Until Hughes Admits Defeat.

It was erroneously reported this afternoon that the professional stockholders on the Curb, who are said to have in their possession about \$300,000 in unpaid election bets, were paying off in perspective of the release of this who bet on Hughes. The report was denied by all the prominent betting commissioners and stockholders.

We have paid off only such bets as were released by the losers," said one of the biggest commissioners and stakeholders. "We cannot pay off while there is doubt enough to permit a loss to hold us to an accounting. No professional stakeholder will pay off on his own account until Mr. Hughes admits he was defeated on Nov. 7."

Sir Hiram Maxton, Gun Inventor, (Continued on Fourth Page.)

COURT DECLARES SUNDAY MOVIES ILLEGAL SHOWS

Decision Is Handed Down by Appellate Division in Suit Brought in Albany.

ALBANY, Nov. 22.—Sunday moving picture performances are illegal, the Appellate Division of the Supreme Court ruled to-day.

The decision was handed down in the case of Leroy H. Bender, proprietor of a moving picture house in this city, who was arrested for keeping his playhouse open on Sunday in violation of the law.

The decision is State-wide in its application. It was started by court officials, and was not based merely upon local ordinances.

As the opinion gave the Court's interpretation of the statutes regulating and defining Sunday amusements, it will affect motion picture theatres in all sections of the State.

News of the motion picture show business caused the greatest alarm among exhibitors in this city this afternoon. It was freely predicted that the enforcement of such a ruling throughout the State would mean the closing of many theatres.

"Sunday is the profit day of moving picture theatres and they must have Sunday business," was the statement of Sam L. Rothkopf, manager of the Rialto. "To prevent exhibitors on Sunday will mean a loss of over \$500,000 a week."

We pay our expenses here with the weekly receipts, and if Sunday are taken out we would not continue on the present elaborate scale. Many other theatres would have to close. I believe public opinion will demand the repeal of any law closing moving picture theatres for the public want the pictures."

Police Commissioner Woods appeared greatly surprised when told of the court's action. He said: "The Police Department has no objection in the matter. It is our duty to see that the law is enforced. I have not received notice of the court's action, but as soon as I am notified I will issue orders looking to the enforcement of the law."

THE WORLD TRAVEL BUREAU, (Continued on Fifth Page.)

BIGGEST OF ENGLISH SHIPS IS SUNK IN THE AEGEAN SEA; 1,106 RESCUED; 50 DROWNED

Britannic of the White Star Line, in Service as a Hospital Ship, Was Returning From Salonica With Wounded Soldiers.

U. S. DOCTORS AND NURSES MAY HAVE BEEN ABOARD

ATHENS, Nov. 22, 9.30 A. M. (via London).—The White Star line steamship Britannic, serving as a hospital ship for wounded soldiers of the Entente Allies, has been torpedoed and sunk, according to an official announcement made here to-day.

The Britannic was sunk off the island of Zea (or Kios), southeast of Attica in the Aegean. She carried 1,000 British sick and wounded men.

The Britannic was equipped with 35 lifeboats, and the loss of life incident to the sinking was small.

LONDON, Nov. 22.—The British hospital ship Britannic has been sunk with the loss of about fifty lives, says a British official announcement.

It is understood here that the steamship sunk was the new White Star liner Britannic, of 48,500 tons.

The steamship was sunk by a mine or a torpedo yesterday morning in the Aegean Sea, according to the official statement. There were 1,105 survivors, of whom about twenty-eight were injured.

The Zea Channel, where the Admiralty states the great ship was lost, is a part of the Aegean Sea between the mainland of Greece and the island of Z. From this it is safe to assume that the Britannic was bringing back wounded from Salonica, the channel being one of the direct routes to the allies' depot in this section.

BRITANNIC WAS USED ONLY AS A HOSPITAL STEAMER

Passengers Who Saw Her Say She Always Floated a Red Cross Flag From Mast.

BRITANNIC IS THIRD OF NINE BIGGEST SHIPS AFLOAT TO BE SUNK

The loss of the Britannic makes the third vessel of the larger type of ocean liners to be lost since the building of giant passenger-carrying ships for transatlantic trade began. The first was the Titanic, sunk on her maiden trip. Then came the sinking of the Concord line Lusitania.

There are now left six of the vessels registering over 31,000 tons plying the Atlantic before the war or about ready for service. Two are owned by Germany, the Vaterland (34,582 tons), and the Imperator (31,969 tons). The others are two Canadian liners, Aquitania (31,417 tons), and Montevideo (31,938 tons); White Star liner Olympic (46,459 tons), and the Statendam (35,000 tons).

None of these ships are now in the regular trade, having been laid up or diverted to hospital and transport service.

Lacking any advices, officials of the White Star line here were to-day practically certain that the hospital ship Britannic, sunk in the Aegean Sea, was the Britannic of their line—the biggest British passenger ship afloat. They based their belief on two points:

First, that the liner Britannic, completed only last year, had immediately been requisitioned by the Admiralty for hospital service.

Second, that the only other Britannic of British registry listed in Lloyd's was a vessel of a mere 425 tons—too small to accommodate the 1,156 persons accounted for in the Admiralty's list of dead, wounded and rescued.

At various times since the war started the Britannic has been reported as being seen by returning travellers, always clearly defined as a hospital ship with the usual red band running around her hull and the Red Hospital Cross flying from her masts. She was used to transport wounded and sick from the Dardanelles.

It was stated that the Britannic never has been armed, nor has she en-

RACING
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